

REMARKS

Claims 1-18 are pending in the application. Claims 1, 2, 12, 16 and 17 are rejected. Claims 2-9 and 18 are objected to but would be allowable if placed in independent form. Claims 14 and 15 are allowed. Claims 10, 11 and 13 are withdrawn from consideration on the basis of an election made by the Applicant. Claim 19 is newly added.

Restriction/Election

Claims 10-11, 13 and 15 are withdrawn from further consideration as being drawn to a non-elected species, the Examiner asserting that there being no allowable generic or linking claim. The Examiner notes that the election was made without traverse in Paper No. 5.

Applicant respectfully submits that all of these claims should be considered allowable, since Applicant has clearly demonstrated that the parent claims 1 (claims 10-11) and 12 (claim 13) are allowable. Further, the Examiner has allowed claims 14 and 15, thereby rendering the withdrawal of claim 15 from consideration an inconsistent action. Applicant assumes this was merely a typographical error and thanks the Examiner for allowance of these claims.

Claim Rejections - 35 U.S.C. § 103

Claims 1-2, 12, 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki (6,488,582). This rejection is traversed for at least the following reasons.

Applicant respectfully submits that Suzuki does not render the claimed invention obvious. The Examiner asserts that Suzuki teaches a card battle game where battle occurs in stages and each character card increases in power by virtue of winning battles at lower stages. The Examiner admits that Suzuki does not increase the number of cards available at later battles on the basis of success in earlier battles. The Examiner asserts that an increase in battle power of a character by choosing an additional card signify higher strength, rather than storing new power on an original card, would be obvious. The reason is, according to the Examiner, that both approaches “increase the card’s power in the next battle sequence.”

This analysis is flawed as it fails to consider the procedure and mechanics of a card game. First, on the most fundamental level, the use of additional cards, rather than a single enhanced card, would provide different options to a player. The player must correlate the multiple cards and determine the strategy on the basis of whether such multiple cards, or only a single card, should be played. Further, in the actual process of playing the game, a limited number of cards may be delivered to or selected by a player (five cards in the Examiner given in the specification beginning at page 18). Thus, either on the basis of random selection or a strategic purpose, a player may not have access to the additional cards. Further, the nature of the additional cards may have an impact on only certain aspects of a character's powers, for example magical, physical strength or weapons, and a player's strategy may depend upon which of these features is to be enhanced. Clearly, there are many additional reasons why increasing the number of cards, rather than increasing the power of a single card, would not be obvious to one skilled in the art.

Moreover, the Examiner alleges that it would have obvious to increase the battle power of the character by choosing an additional card to signify a higher strength for the character to increase the card's power in the next battle sequence (page 2 of the Office Action). However, the claimed invention recites that the number of cards available in a battle is increased. That is, in the invention, the number of cards available in a battle is increased to increase alternatives for proceeding the battle. As the Examiner admits, Suzuki does not increase the number of cards. Suzuki and the invention are different in connection with the purpose and the way of achieving the purpose.

Allowable Claims

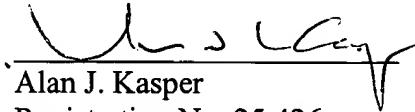
Claims 2-9 and 18 are objected to as being depended upon a rejected base claim but would be allowable if rewritten in independent form. Nonetheless, Applicant believes that all of the claims are allowable and that these claims need not be placed in independent form

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
Application No. 09/880,833

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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